IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7196 OF 2004

Shreeram Sahakari Sakhar Karkhana Ltd. ... ... Petitioner.

Versus

Shri L. M. Kamble & Others..... Respondents.

Mr. A. G. Damle for the Petitioner.

Mr. K.S.Bapat for Respondent Nos.1 to 4.

CORAM : R.M.S.KHANDEPARKAR, J.

DATED : 24TH NOVEMBER, 2004.

P.C.:

Heard learned advocates for the parties.

2. The Petitioner challenges the common judgment and order dated 6th May, 2004 passed by the Industrial Court in Complaint (ULP) Nos. 27, 28, 30 and 32 of 1994 allowing the complaints filed by the Respondents and declaring that the Petitioner to have indulged in unfair labour practice on account of denial on the part of the Petitioner to give permanency to the Respondents inspite of the fact that they were employed as seasonal employees continuously for three

seasons. In deed, the Industrial Court after taking into consideration the clear admission on the part of the Petitioner's witness that the Complainants/Respondents were continuously working in both the seasons for years together till 1991/92 and referring to the Standing Orders which define the seasonal employee as one who is in employment during three seasons / crushing seasons continuously and further that the such employee is deemed to have attained permanency in the employment on account of being such seasonal employee either for three seasons or for six months continuously, has held that the Respondents were entitled to a status of being permanent employees of the Petitioner. The impugned order having been passed based on the clear admission about the factum of continuous employment for more than three seasons as the seasonal employees by the Respondents with the Petitioner and taking into consideration the Standing Orders applicable to the parties, no fault can be found with the said findings and the judgment passed by the Industrial Court does not warrant interference in exercise of jurisdiction under Article 227 of the Constitution of India. Hence, the Petition is rejected.

Sd/-

(**R.M.S.KHANDEPARKAR,J.**)